

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GILBERTO CARRILLO,

Plaintiff,

v.

KATHY THOMAS, *et al.*,

Defendants.

Case No. 3:21-cv-00423-MMD-CLB

ORDER

I. DISCUSSION

On September 23, 2021, this Court ordered Plaintiff to file a signed complaint and a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee on or before November 22, 2021. (ECF No. 3). On September 28, 2021, Plaintiff filed a fully complete application to proceed *in forma pauperis*. (ECF No. 4). To date, Plaintiff has not submitted a signed complaint in this case.

Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign his complaint. Fed. R. Civ. P. 11(a). Because the Plaintiff's original complaint (ECF No. 1-1) was submitted unsigned, the Court cannot consider it.

The Court will grant Plaintiff **one final opportunity** to submit a signed amended complaint to the Court on or before **December 29, 2021**. If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). Therefore, a mere signature page will not be sufficient. Plaintiff should file the amended complaint on this Court's approved prisoner civil rights form, and it must be entitled "First Amended Complaint." The Court will defer a decision on the application to proceed *in forma pauperis* until Plaintiff submits a proper initiating document for this case.

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